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United States Senate

COMMITTEE ON SMALL BUSINESS
WASHINGTON, DC 20510-6350

April 19, 1999

The Honorable John W. Carlin
Archivist
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740

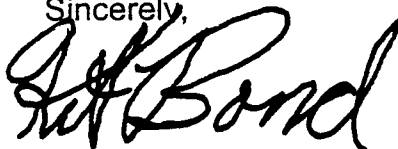
Dear Mr. Archivist:

The Small Business Regulatory Enforcement Fairness Act of 1996 (Act) (Title II P.L. 104-121) required federal agencies that regulate the activities of small entities to implement programs to provide informal compliance assistance, penalty reductions, and, where appropriate, penalty waivers to small entities, including small businesses, small governments and small not-for-profit organizations. All such federal agencies, including the National Archives and Records Administration (Archives/Agency), were to report to Congress on implementation of these programs no later than March 29, 1998 — more than one year ago. To date, the Archives has not submitted to this Committee the reports to Congress required under Sections 213 and 223 of the Act.

As Chairman of the Senate Committee on Small Business and as the principal author of the Small Business Regulatory Enforcement Fairness Act, I request a detailed explanation as to why the Archives failed to fulfill its statutory obligation to report to Congress on the Archives's implementation of the requirements under Sections 213 and 223. Furthermore, I request that the Archives provide these reports to this Committee, as well as the other committees named in the statute to receive the reports, by May 6, 1999. In closing, and perhaps most importantly, the Archives's failure to comply with these reporting requirements raises questions regarding the Agency's commitment to fulfilling its responsibilities under the Act, which was enacted by Congress to ensure that federal agencies treat small entities fairly in rulemaking and enforcement activities.

Should you need additional information, please contact me or Suey Howe, the Committee's Regulatory Counsel, at 224-5175.

Sincerely,



Christopher S. Bond
Chairman